HONOURABLE SRI JUSTICE D.S.R. VARMA

AND

HONOURABLE SRI JUSTICE G.V. SEETHAPATHY

WRIT PETITION No.20934 OF 2006

DATE: 06-11-2006

Between:

Pukhraj Jain
R/o.H.No.2-5-44,
Shahalibanda,
Hyderabad-65.

.. Petitioner

AND

The Station House Officer
Kachiguda Railway Police Station,
Kachiguda, Hyderabad & another

.. Respondents

ORDER: (Per Hon'ble Sri Justice G.V. Seethapathy)

Based on the telegram sent by the petitioner, Pukhraj Jain, on 04-10-2006, this writ petition is taken up and notices were issued to the respondents. In response thereto, respondent No.1-Station House Officer, Kachiguda Railway Police Station, Kachiguda, Hyderabad filed a counter affidavit stating that there was no occasion or necessity to apprehend the alleged detenu by name Tarachand Lunia on 04-10-2006 or any other subsequent date and that a complaint was also lodged by one Smt. Muthyala Jayalaxmi with Railway Police Kachiguda making allegation of theft and a case was registered in Crime No.225/2006 for the

offence punishable under Section 379 IPC and was investigated into.

It is further averred in the counter affidavit that after due enquiry, it was found that Tarachand had no role to play in the matter and the accused one Mohd. Faizal was arrested by the Railway Police and produced before the learned
II Metropolitan Magistrate, Railways, Secunderabad on
12-10-2006 and was remanded to judicial custody.
It is further averred that as the alleged detenu Tarachand has nothing to do with the alleged offence in Crime No.225/2006, he was let off and he was freely moving about. In support of the same, respondents filed the certificate issued by the Mandal Revenue Officer, Bahadurpura Mandal dated
18-10-2006 to the effect that he caused enquiries in the matter and found that Tarachand Lunia, S/o. Dharma Chand is moving freely and attending to his day-to-day work.
The statement of Tarachand recorded by the Mandal Revenue Officer, Bahadurpura is also placed before this Court and in the said statement, the said Tarachand has stated that after enquiry, he was left back at his house by the police on
05-10-2006 and he has been freely moving about and he was not harassed by the police.

In view of the said statement of Tarachand recorded by the Mandal Revenue Officer and also the certificate issued by the Mandal Revenue Officer to the effect that Tarachand is freely moving about without any fetters on his liberty, nothing more remains to be adjudicated in this writ petition and no further orders

need be passed.

Accordingly, the Writ Petition is closed. No costs.

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D.S.R. VARMA, J

Date:06-11-2006.

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G.V. SEETHAPATHY, J

PV